761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: LEONARD MCCRAY, CAPTAIN
COMPTON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2312742/IV2347414
Incident:	Hit Shooting
Incident Date:	May 13, 2012
Unit:	Compton Station
Suspects:	Michael Benitez, MH/01-7-79 Daniel Ramirez, MH/07-21-90
Involved Employees:	Deputy Salvador Esquivel, #[redacted] Deputy Sergio Jimenez, #[redacted]
EFRC Date:	December 19, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Compton deputies assigned to a two man patrol car were traveling westbound Greenleaf Boulevard, approaching Oleander Avenue, when they saw a black Lincoln traveling eastbound Greenleaf Boulevard toward them. As the Lincoln approached Oleander Avenue, its headlights were turned off. The Lincoln then turned onto northbound Oleander Avenue.

The deputies lost sight of the Lincoln as it turned onto Oleander Avenue for a very brief moment. They followed the Lincoln onto northbound Oleander Avenue in an attempt to conduct a traffic stop. When the deputies turned onto Oleander Avenue, they saw the Lincoln was parked on the east curb facing northbound, just a few feet north of Greenleaf Boulevard.

Upon seeing how close the Lincoln was to Greenleaf Boulevard, the deputies stopped the radio car on Oleander Avenue facing north almost parallel to the Lincoln. The passenger deputy quickly exited the radio car and approached the driver's side of the Lincoln. He noticed that the driver (Suspect Benitez) and the passenger (Suspect Ramirez) wore gang style clothing and one of them had tattoos on his head or face. The Lincoln's engine was running and the deputy gave Suspect Benitez several orders to turn the car off. The two suspects ignored the orders and communicated with one another in the Lincoln.

The driver deputy was still in the radio car setting it in the park position when he noticed that Suspect Benitez had gang style tattoos on his face or head area. The deputy opened the driver's side door and began to exit the radio car.

Simultaneously, the passenger deputy approached the driver's window and saw Suspect Benitez produce a handgun and point it at him. The deputy yelled out "gun" in order to alert his partner as he fired four rounds from his Berretta at Suspect Benitez from a distance of approximately two to three feet. As he fired, the deputy moved away from the threat by taking several steps away from the driver's window and toward the back of the Lincoln.

Suspect Benitez accelerated to a high rate of speed and drove the Lincoln northbound Oleander Avenue past Glencoe Street. Approximately one hundred and fifty feet away from the original contact, the Lincoln collided with a Honda which had been parked on the east curb, facing north in front of [redacted] Oleander Avenue. The Lincoln continued to move north and collided with a Volvo that had been parked in front of [redacted] Oleander Avenue, north of the Honda. The Lincoln came to rest against the Volvo.

The deputies broadcasted an assistance request advising their involvement in a shooting via their radios. Simultaneously, the driver deputy drove the radio car northbound and stopped south of the Lincoln as the other deputy ran north on foot, parallel with the radio car. The passenger deputy approached the Honda the Lincoln had collided with in order to position himself behind the Honda. He intended on detaining the occupants of the Lincoln at gunpoint.

Just as the deputy arrived at the Honda, Suspect Benitez exited the Lincoln through the driver's door. As Suspect Benitez exited the Lincoln, he held his waistband and turned his body to face the deputy.

From a distance of approximately thirty five feet, believing that Suspect Benitez was armed with a firearm and fearing Suspect Benitez was going to fire at him, the passenger deputy fired two rounds toward Suspect Benitez. Suspect Benitez ran north along the driver's side of the Lincoln then eastbound toward the east sidewalk of Oleander Avenue and northbound on the sidewalk toward Bennett Street. The deputy lost sight of Suspect Benitez as he ran toward the sidewalk.

The passenger deputy yelled at the driver deputy that Suspect Benitez was running northbound toward Bennett Street. Suspect Ramirez remained in the Lincoln and the passenger deputy held him at gunpoint from his position near the rear of the Honda.

The driver deputy immediately drove the radio car northbound Oleander Avenue. He positioned the radio car on Oleander Avenue and Bennett Street in order to contain the crime scene. As the deputy was coming to a stop in the radio car, he saw Suspect Benitez running northbound on the east sidewalk toward Bennett Street. He exited the radio car and ordered Suspect Benitez to stop. Suspect Benitez looked in his direction, stopped running, turned and ran southbound on the sidewalk, back toward the passenger deputy.

Suspect Benitez was running on the Oleander Avenue side of [redacted] Bennett Street and was approaching a parked Toyota pickup on the east curb of Oleander Avenue. Suspect Benitez bladed his body toward the driver deputy, while holding his waistband area. Fearing for his safety, as well as his partner's safety, the driver deputy fired four rounds at Suspect Benitez. Suspect Benitez fell to the ground on the east sidewalk on the Oleander Avenue side of [redacted] Bennett Street.

Suspect Benitez was in a prone position but remained uncooperative and refused to show the deputy his hands. After repeated orders from the driver deputy, Suspect Benitez spread his arms out to his sides.

The driver deputy coordinated the safe approach of assisting units into the crime scene in order to take the suspects into custody. Suspect Benitez was treated by Paramedics from Compton Fire Department. He was subsequently transported to Saint Francis Medical Center for treatment due to a gunshot graze to the back of his head. Suspect Ramirez remained in the Lincoln and was taken into custody without further incident.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were out of Department policy.

The EFRC deemed as **Unfounded** the allegation that Deputy Salvador Esquivel was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents).

RECOMMENDATIONS:

The EFRC recommended Deputy Esquivel attend the eight-hour Tactics and Survival (TAS-I) Training class. Additionally, the EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

Table of Contents

Investigation

SH2312742

E- Photographs (2) depicting Location and position of two handguns recovered from the passenger compartment of Lincoln.

F - Photographs (13) depicting damage to Lincoln by collision as well as by the deputy's gunfire.

G - Photographs (7) depicting Location and position Toyota pickup, its damage and items recovered near the Toyota.

H - Photographs (4) depicting Location and position of 4 expended casings near a parked Nissan.

I - Diagram/Sketch depicting Oleander Avenue (Crime Scene).

J - Digital compact Discs (10) containing photographs of crime scene, suspect vehicle (bullet trajectory rods), homicide interviews and voice print of radio traffic.

K - Homicide Investigation (Homicide book).

L - Photograph (14) depicting Lincoln Town Car and its damage by gunfire.

Miscellaneous Documents:

- ♦Administrative Rights Forms
- ♦Consolidated Criminal History (CCHRS) for Suspect Benitez
- ♦Consolidated Criminal History (CCHRS) for Suspect Ramirez
- ♦SH-R-49 Complaint Report, File #912-05798-2844-053

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
05/13/12	Compton Sheriff's Station	[ ]	[x]

Incident Information

URN:	Date:	Time:
013-05800-2836-055	05/13/12	2103 hours

City or Station: Compton

Location: Oleander Avenue/Glencoe Street, Compton

Nature of Incident: Deputies contacted two armed suspects. Suspect pointed gun at Dep. Esquivel. Esquivel fired at suspect. Suspect ran on foot and appeared to point gun at deputies. Dep. Jimenez fired at suspect.

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [x] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [ ] Daylight
- [ ] Other
- [x] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 2', 35', 45'

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [x] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
Dep. #1, 6/Dep #2, 4	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Esquivel	Salvador		[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
[redacted]	Jimenez	Sergio		[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Larson	Leslie	A.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Ebbinga	Kurtis	H.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Modica	Michael	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Stone	Mark	H.

PSTD Use Only

SH # 23|2742

Officer Involved Shooting

URN: ____________________

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/13/12	2230 hours	05/16/12	

Employee #	Last Name	First Name	M.I.
[redacted]	Garcia	Jose	J.
[redacted]	Quichocho	Frank	J.
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	FH	ZZ	WW			NN	
E #1	S #1	FH	BR	9MM	Y	Y	GS	HE
S #1	E #1 & #2	FH	ZZ	WW			NN	
E #1	S #1	FH	BR	9MM	y	Y	NN	
S #1	E #2	FH	ZZ	WW			NN	
E #2	S #1	FH	BR	9MM	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: ____________________

Involved Employee

E 1

Employee # [redacted]	Last Name: Esquivel	First Name: Salvador	M.I.
Sex: M Race: Hispan	Rank: Deputy	Unit Assignment: CPT	Work Assignment (Unit #, Module, etc.): 286D
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 3	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors: Full Class "A" Uniform
Age: [redacted] Height: 6'	Weight: 215		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Berretta 92FS Caliber 9MM # Shots 6		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Jimenez	First Name: Sergio	M.I. A.
Sex: M Race: Hispan	Rank: Deputy	Unit Assignment: CPT	Work Assignment (Unit #, Module, etc.): 286D
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): 3	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors: Full Class "A" Uniform
Age: [redacted] Height: 5' 9"	Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Berretta 92FS Caliber 9MM # Shots 4		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: ____________

Suspect Information

S 1

Last Name: Benitez		First Name: Michael	M.I.: J.
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 34 D.O.B. 01/07/79	Height: 5' 9" Weight: 175	FBI # [redacted]	CII # [redacted]
Booking # 3157644	Primary Charge: Assault on Peace officer, 245(d)(1) PC		Secondary Charge: Driver in possession of Firearm, 25400(a) PC
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑
Vehicle Make: Lincoln		Model: Town Car	Year: 1998

S 2

Last Name: Ramirez		First Name: Daniel	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 22 D.O.B. 07/21/90	Height: 5' 8" Weight: 130	FBI # [redacted]	CII # [redacted]
Booking # 3157648	Primary Charge: Assault with a Deadly Weapon (GBI)245(a)		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Lincoln		Model: Town Car	Year: 1998

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:		Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SHOOTING REVIEW SUMMARY

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY
SH2312742

UNIT:	**Compton Sheriff's Station**
DATE:	**May 13, 2012, Sunday**
TIME:	**2103 hours**
LOCATION:	**Oleander Avenue/Glencoe Street, Compton CA 90221**
URN #:	**012-05800-2836-055**
IAB #:	**SH2312742**

On May 13, 2012, Lieutenant [redacted] Sergeant Frank Quichocho and Sergeant Jose J. Garcia responded to the Command Post, Located at Greenleaf Boulevard and Alameda Street in the city of Compton. This was in regards to a deputy involved hit shooting, where the suspect was struck by deputies' gunfire. Compton Station Deputies Salvador Esquivel #[redacted] and Sergio Jimenez #[redacted] were involved in the shooting with Suspect Michael Benitez and Suspect Daniel Ramirez.

Deputies Esquivel and Jimenez were assigned to a two man patrol car on the PM shift, in the city of Compton. Deputy Jimenez was the driver and Deputy Esquivel was the bookman. They were traveling westbound Greenleaf Boulevard, approaching Oleander Avenue when they saw a black Lincoln traveling eastbound Greenleaf Boulevard toward them.

As the Lincoln approached Oleander Avenue its headlights were turned off. The Lincoln then turned onto northbound Oleander Avenue.

The deputies lost sight of the Lincoln as it turned onto Oleander Avenue for a very brief moment. They followed the Lincoln onto northbound Oleander Avenue in an attempt to conduct a traffic stop. When deputies turned onto Oleander Avenue, they saw that the Lincoln was parked on the east curb facing northbound, just a few feet north of Greenleaf Boulevard.

When Deputy Jimenez turned onto Oleander Avenue, he made the turn at a fast rate of speed in an attempt to catch up to the Lincoln. Upon seeing how close the Lincoln was to Greenleaf Boulevard, Deputy Jimenez stopped the radio car on Oleander Avenue facing north almost parallel to the Lincoln. The right front tire of the radio car was almost parallel with the Lincoln's left rear tire.

Deputy Esquivel quickly exited the radio car and approached the driver's side of the Lincoln. He noticed that the driver (Suspect Benitez) and the passenger (Suspect Ramirez) wore gang style clothing and one of them had tattoos on his head or face.

The Lincoln's engine was running and Deputy Esquivel gave Suspect Benitez several orders to turn the car off. The two suspects ignored the orders and communicated with one another in the Lincoln.

Deputy Jimenez was still in the radio car setting it in the park position when he noticed that Suspect Benitez had gang style tattoos on his face or head area. Deputy Jimenez opened the driver's side door and began to exit the radio car.

Simultaneously Deputy Esquivel approached the driver's window and illuminated the interior of the Lincoln. From just outside of the driver's window of the Lincoln, Deputy Esquivel saw Suspect Benitez produce a handgun and point it at Deputy Esquivel. Deputy Esquivel yelled out "gun" in order to alert Deputy Jimenez as he fired four rounds from his Berretta at Suspect Benitez from a distance of approximately two to three feet. As he fired, Deputy Esquivel moved away from the threat by taking several steps away from the driver's window and toward the back of the Lincoln.

Suspect Benitez accelerated to a high rate of speed and drove the Lincoln northbound Oleander Avenue past Glencoe Street. Approximately one hundred and fifty feet away from the original contact, the Lincoln collided with a Honda which had been parked on the east curb, facing north in front of [redacted] Oleander Avenue. The Lincoln continued to move north and collided with a Volvo that had been parked in front of [redacted] Oleander Avenue north of the Honda. The Lincoln came to rest against the Volvo.

Deputy Esquivel and Deputy Jimenez broadcast an assistance request advising their involvement in a shooting via their radios.

Simultaneously, Deputy Jimenez drove the radio car northbound and stopped south of the Lincoln as Deputy Esquivel ran north on foot parallel with the radio car. Deputy Esquivel approached the Honda the Lincoln had collided with in order to position himself behind the Honda. He intended on detaining the occupants of the Lincoln at gun point.

Just as Deputy Esquivel arrived at the Honda, Suspect Benitez exited the Lincoln through the driver's door. As Suspect Benitez exited the Lincoln, he held his waistband and turned his body to face Deputy Esquivel.

From a distance of approximately thirty five feet, believing that Suspect Benitez was armed with a firearm and fearing Suspect Benitez was going to fire at him, Deputy Esquivel fired two rounds toward Suspect Benitez. Suspect Benitez ran north along the driver's side of the Lincoln then eastbound toward the east sidewalk of Oleander Avenue and northbound on the sidewalk toward Bennett Street. Deputy Esquivel lost sight of Suspect Benitez as he ran toward the sidewalk.

Deputy Esquivel yelled at Deputy Jimenez that Suspect Benitez was running northbound toward Bennett Street. Suspect Ramirez remained in the Lincoln and Deputy Esquivel held him at gunpoint from his position near the rear of the Honda.

Deputy Jimenez immediately drove the radio car northbound Oleander Avenue. He positioned the radio car on Oleander Avenue and Bennett Street in order to contain the crime scene. As Deputy Jimenez was coming to a stop in the radio car he saw Suspect Benitez running northbound on the east sidewalk toward Bennett Street. He exited the radio car and ordered Suspect Benitez to stop. Suspect Benitez looked in his direction, stopped running, turned and ran southbound on the sidewalk, back toward Deputy Esquivel.

Suspect Benitez was running on the Oleander Avenue side of [redacted] Bennett Street and was approaching a parked Toyota pickup on the east curb of Oleander Avenue. Suspect Benitez bladed his body toward Deputy Jimenez, while holding his waistband area. Deputy Jimenez was standing on the Oleander Avenue side of [redacted] Bennett Street approximately twenty feet south of the rear of his radio car and approximately forty feet from Suspect Benitez. Fearing for his safety as well as Deputy Esquivel's safety, Deputy Jimenez fired four rounds at Suspect Benitez. Suspect Benitez fell to the ground on the east sidewalk on the Oleander Avenue side of [redacted] Bennett Street.

Suspect Benitez was in a prone position but remained uncooperative and refused to show Deputy Jimenez his hands. After repeated orders from Deputy Jimenez, Suspect Benitez spread his arms out to his sides.

Deputy Jimenez coordinated the safe approach of assisting units into the crime scene in order to take the suspects into custody. Deputy Jimenez coordinated deputy personnel to approach Suspect Benitez first as he was so uncooperative and verbally abusive.

Suspect Benitez was moved to Bennett Street just east of Oleander Avenue where he was treated by Paramedics from Compton Fire Department, Engine 41. He was subsequently transported to Saint Francis Medical Center for treatment due to a gunshot graze to the back of his head. Suspect Ramirez remained in the Lincoln and was taken into custody without further incident.

> **IAB Note:** Internal Affairs Bureau Lieutenant [redacted] contacted Watch Commander, Sergeant Mark Stone #[redacted] to ensure reasonable steps were taken to see that the involved personnel and/or any potential witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, Internal Affairs Bureau Lieutenant [redacted] ensured that the Watch Commander attempt to have involved and witness personnel gather in the company of a supervisor (Watch Sergeant Michael Modica #[redacted]) until they have provided a statement to the assigned investigators.

> **IAB Note:** The summary of this incident is based on physical evidence collected and cataloged at the scene by Los Angeles County Sheriff's Department Scientific Services/Crime Lab personnel, Internal Affairs Bureau Investigators' observations, as well as information obtained from the original crime report, supplemental reports, along with interviews of the involved employees and suspects. For further details regarding these documents, refer to **Exhibits J, Homicide Investigation.**

> **IAB Note:** A diagram of the crime scene was included in the Homicide Bureau investigation. For further details regarding the positioning of vehicles, evidence and measurements of crime scene, refer to **Exhibit I. Crime Scene sketch.**

INVOLVED PERSONNEL:

Esquivel, Salvador - Deputy Sheriff, #[redacted]
Central Patrol Division
Compton Sheriff's Station

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

Work History:

Date of Employment: August 10, 2005
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Jimenez, Sergio - Deputy Sheriff, #[redacted]
Central Patrol Division
Compton Sheriff's Station

Work History:

Date of Employment: October 18, 2000
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

SUSPECTS:

Benitez, Michael – Suspect, MH/January 7, 1979 (In Custody Booking #3157644)
[redacted]

Ramirez, Daniel – Suspect MH/July 21, 1990 (In Custody Booking #3157648)
[redacted]

SWORN WITNESSES:

None

CIVILIAN WITNESSES:

None

INJURIES:

Suspect Benitez sustained one single gunshot graze to the back of his head. He was treated for his injury at Saint Francis Medical Center.

No Medical Information was provided regarding Suspect Benitez' injury in the Homicide Bureau investigation. Suspect Benitez refused to sign a medical waiver form in order to release his medical records to the Internal Affairs Bureau.

PHYSICAL EVIDENCE:

Physical evidence related to the crime scene was collected and documented. For further details, refer to **Exhibit K**, **Homicide Investigation** (Pages 56 - 68) and crime scene sketches (Pages 69 - 70).

INVESTIGATORS' OBSERVATIONS:

Responding Internal Affairs Bureau Sergeants were escorted through the crime scene by Lieutenant Holly Francisco of the Homicide Bureau and noted the area where the shooting occurred was a public residential area street. The crime scene on Oleander Avenue encompassed approximately two blocks between Greenleaf Boulevard and Bennett Street.

Oleander Avenue is a paved street with a sidewalk and residential homes on both sides. The street had adequate street lighting illuminating the area.

Four expended casings were observed on Oleander Avenue near the east curb line just North of Greenleaf Boulevard.

> **IAB Note:** For further details regarding the four casings, refer to **Exhibit A, two photographs depicting the four casings on the ground**.

Approximately one hundred and fifty feet north of the casings and just north of Glencoe Street was a Honda vehicle with heavy rear end damage caused by a vehicle collision. The Honda was facing east and the front rested against the east curb line in front of [redacted] Oleander Avenue.

Approximately twenty five feet north of the Honda was the Lincoln with heavy front end damage caused by the collision. The Lincoln was facing north also in front of [redacted] Oleander Avenue. There was a large debris field around the Honda consisting of broken car parts and glass.

> __IAB Note:__ For Further details regarding the position of the Honda and the Lincoln, refer to **Exhibit B, five photographs depicting positions of vehicles and debris field.**

There were two expended casings in the debris field on Oleander Avenue just south of the Honda, near the rear end.

> __IAB Note:__ For Further details regarding the location of the two expended casings, refer to **Exhibit C, Two photographs depicting location of the two expended casings.**

The Lincoln came to rest at the left rear quarter panel of a Volvo that had been parked in front of [redacted] Oleander Avenue. Several glass fragments and car parts were strewn around the vehicles.

> __IAB Note:__ For Further details regarding the position of the Volvo and the Lincoln, refer to **Exhibit D, five photographs depicting positions of vehicles and debris field.**

Two handguns were left inside the Lincoln's passenger compartment. A Smith & Wesson Model 59 semiautomatic, caliber 9mm, handgun was left on the front passenger's floorboard of the Lincoln (Loaded with 13 live caliber 9mm rounds) and an RG Industries, Model RG 23, caliber 22, revolver (Loaded with 6 live caliber 22 rounds) was left on the front passenger's seat of the Lincoln.

> __IAB Note:__ For Further details regarding the handguns recovered from the passenger compartment of the Lincoln, refer to **Exhibit E, five photographs depicting two handguns inside of the Lincoln.**

The Lincoln incurred heavy damage to the front end caused by the collision. It also incurred damage by gunfire from Deputy Esquivel. The gunshots to the Lincoln consisted of the following:

- One gunshot to the front side driver's window (Window Shattered).
- One to two gunshots to the rear driver's side window (Window Shattered).
- One gunshot to the driver's side roof top, possibly fired from behind the Lincoln.
- One gunshot to the driver's side of the rear top window frame (Rear Window Shattered).
- One gunshot to the "Lincoln" emblem on the trunk area.
- Windshield damaged by at least two gunshots (Gunshots Struck the Inside of the Windshield).

> **IAB Note:** For Further details regarding the gunshots on the Lincoln, refer to **Exhibit F, thirteen photographs depicting gunshots and damage on the Lincoln.**

On the east curb on the Oleander Avenue side of [redacted] Bennett Street was a Toyota pickup parked. On the east sidewalk next to it was a black plastic band watch and a set of keys. The Toyota incurred two gunshots, one gunshot on the passenger's side of the cowl vent area, which traveled to the windshield's lower frame. This round caused the windshield to break. There was another gunshot to the front edge of the passenger's side door, at the joint between the cab and the right front fender.

> **IAB Note:** For Further details regarding the position of the Toyota, its damage and the items left on the sidewalk refer to **Exhibit G, seven photographs depicting the positions of Toyota, its damage and items recovered from the sidewalk.**

Deputy Jimenez' and Deputy Esquivel's radio car was left on Oleander Avenue just south of Bennett Street, facing north. The radio car was positioned approximately five feet from the south curb of Bennett Street and approximately fifteen feet from the west curb of Oleander Avenue. A Nissan was parked on the west curb of the Oleander Avenue side of [redacted] Bennett Street. The front of the Nissan was approximately twenty five feet south from the rear of the radio car.

There were two expended casings on the street near the left front of the Nissan. One expended casing was near the left rear side of the Nissan and one expended casing as under the Nissan, near the left rear tire.

> IAB Note: For Further details regarding the position of the four expended casings in the area of the Nissan, refer to **Exhibit H, four photographs depicting location of the four expended casings.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Esquivel fired six rounds from his Berretta Model 92FS, bearing serial number BER[redacted] utilizing department approved caliber 9MM rounds. Detectives from the homicide Bureau recovered the Berretta following the incident. The Berretta was loaded with one live round in the chamber and the magazine contained 10 live rounds. The two extra magazines on Deputy Esquivel's gun belt were loaded to capacity (15 rounds each). The weapon and ammunition were found to be within specifications (Refer to **Exhibit K**, Homicide Book, pages 60-61 for firearm description).

Deputy Jimenez fired four rounds from his Berretta Model 92FS, bearing serial number BER[redacted] utilizing department approved Caliber 9MM rounds. Detectives from the homicide Bureau recovered the Berretta following the incident. The Berretta was loaded with one live round in the chamber and the magazine contained 11 live rounds. The two extra magazines on Deputy Jimenez' gun belt were loaded to capacity (15 rounds each). The weapon and ammunition were found to be within specifications (Refer to **Exhibit K**, Homicide Book, pages 60-61 for firearm description).

WEAPONS USED BY SUSPECT:

Suspect Benitez was armed with a handgun which he pointed at Deputy Esquivel during the first shooting.

PROPERTY DAMAGE:

Damage to the property consisted of the following:

- Automobile, 1998 Lincoln Town Car, four doors, black, CA License #[redacted] with heavy collision damage to front end of vehicle and the following bullet holes:

- One gunshot to the front side driver's window.
- One to two gunshots to the rear driver's side window.
- One gunshot to the driver's side roof, possibly fired from behind the Lincoln.
- One gunshot to the driver's side of the rear top window frame.
- One gunshot to the "Lincoln" emblem on top the trunk area.
- Windshield damaged by at least two gunshots (gunshots struck the inside of the windshield).

<u>**IAB Note:**</u> For Further details regarding damage and the gunshots on the Lincoln, refer to **Exhibit F, thirteen photographs depicting gunshots and damage on the Lincoln.**

- Automobile, 1992 Honda Accord, four doors, gray in color, CA License #[redacted], with heavy collision damage to the rear. (Vehicle parked in front of [redacted] Oleander Avenue)

<u>**IAB Note:**</u> For Further details regarding the position of the Honda and its damage, refer to **Exhibit B, seven photographs depicting the positions of Toyota, its damage and items recovered from the sidewalk.**

- Automobile, 1989 Volvo 240 DL, four doors, gray in color, CA License [redacted] with collision damage to the left rear quarter panel (Vehicle parked in front of [redacted] Oleander).

<u>**IAB Note:**</u> For Further details regarding the position and damage to the Volvo, refer to **Exhibit D, five photographs depicting the positions and damage to the Volvo.**

- Automobile, 1993 Toyota pickup, two doors, gray in color, CA License #[redacted] with damage to windshield and side view mirror, caused by gunfire (Vehicle parked on the Oleander Avenue side of [redacted] Bennett Street).

<u>**IAB Note:**</u> For Further details regarding the position of the Toyota pickup and its damage, refer to **Exhibit G, seven photographs depicting the positions of Toyota pickup and its damage.**

<u>IAB Note:</u> For further details regarding damaged property, refer to **Exhibit J**, Homicide investigation, page 14).

<u>CRIMINAL CHARGES FILED:</u>

Suspect Michael Benitez: *Count One* - Assault with a Firearm on a Peace Officer, *Penal Code 245 (d) (1).*

On September 6, 2013, Suspect Benitez pled "no contest" to Assault with a Firearm upon a Peace Officer, *Penal Code 245 (a) (1).* He was sentenced to four (4) years in State prison.

Suspect Daniel Ramirez: [redacted]

Count Two - Assault with Intent to Cause Great Bodily Injury, *Penal Code 245 (a) (4).* (File #912-05798-2844-053).

On September 6, 2013, Suspect Ramirez pled "no contest" to Assault with a Firearm, *Penal Code 245 (a) (2),* Assault with Intent to Cause Great Bodily Injury, *Penal Code 245 (a) (4).* He was sentenced to four (4) years in State prison.

<u>LIGHTING AND WEATHER CONDITIONS</u>

The shooting took place during night time hours. The area was illuminated by street lights as well as lights from several residences. The weather was clear.

<u>READIO TRAFFIC</u>

A review of the audio voice print of the initial emergency traffic broadcast by Deputies Esquivel and Jimenez was conducted in order to obtain a time line of the event. The estimated time between their initial "998" or deputy involved in a shooting broadcast to when Suspect Benitez went down to the ground is approximately fifty seconds.

IAB Note: For further details regarding the voice print of the emergency traffic, refer to **Exhibit J, CD entitled "Radio Traffic."**

INVOLVED EMPLOYEE STATEMENTS

Deputy Salvador Esquivel:

Salvador Esquivel, Deputy Sheriff #[redacted], Compton Sheriff's Station was interviewed on October 7, 2013, by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau.

Deputy Esquivel was represented by Omkar Ranade from the offices of Green & Shinee. The interview took place at the Internal Affairs Bureau and was audio recorded. The following is a summary of the interview:

Deputy Esquivel said that on the day of the incident, his shift started at [redacted] hours and was partnered with Deputy Jimenez. Deputy Jimenez drove and he was the bookman.

At approximately 2103 hours while on patrol, they were traveling westbound on Greenleaf Boulevard approaching Oleander Avenue.

He noticed a car (Lincoln Town Car) traveling east bound on Greenleaf Boulevard approaching Oleander Avenue. The Lincoln's headlights were turned off as it approached Oleander Avenue. The Lincoln then turned onto northbound Oleander Avenue and they lost sight of it for a moment.

Deputies Esquivel and Jimenez communicated to one another that they were going to stop the driver of the Lincoln regarding the headlights being turned off.

They sped up and followed the Lincoln onto Northbound Oleander. As they turned onto Oleander Avenue, he said that the Lincoln was now stopped and parked against the east curb line, just a few feet north of Greenleaf Boulevard.

Deputy Esquivel said that due to their aggressive turn onto Oleander Avenue Deputy Jimenez could not position the radio car behind the Lincoln and conduct a traffic stop as they have trained. Instead, they "overshot" their stop and Deputy Jimenez stopped the radio car almost parallel to the Lincoln.

The radio car was to the left and the Lincoln to the right. He described the radio car's front bumper parallel with the Lincoln's left rear tire.

Deputy Esquivel said he quickly opened his door before Deputy Jimenez came to a stop and turned off his spotlight, illuminated the Lincoln with his flashlight and exited the radio car just prior to the radio car coming to a complete stop. As he exited the radio car he drew his firearm and had it at the "low ready." He indicated holding his gun hand near his right rib cage area.

As he illuminated the interior of the Lincoln and approached the driver's side window, he noticed that the two men inside appeared to be gang members. The two men looked in the direction of Deputy Esquivel. He said the two had shaved heads and one of them two had tattoos on his face or neck. Deputy Esquivel yelled at the driver (Suspect Benitez), "Turn off the car and let me see your hands." He did this several times.

Suspect Benitez ignored his orders and began to turn his body clockwise toward the center console area of the Lincoln. Simultaneously, the passenger of the Lincoln (Suspect Ramirez) turned his body counter clockwise toward the center console area of the Lincoln as the two suspects communicated something to one another.

Deputy Esquivel repeated his orders, at which time Suspect Benitez turned his body counter clockwise toward Deputy Esquivel. Deputy Esquivel saw that Suspect Benitez was raising a black handgun toward him. He yelled out "417" to warn Deputy Jimenez.

From a distance of approximately two feet away, Deputy Esquivel, fearing for his life, fired what he believed at the time were two to four rounds toward Suspect Benitez from his duty firearm.

Deputy Esquivel said he did not have time to raise his handgun up to aim at Suspect Benitez and fired from a low ready position.

The windows on the driver's side of the Lincoln shattered and Deputy Esquivel could no longer see through them. Suspect Benitez accelerated rapidly and drove northbound away from the deputies.

Deputy Esquivel was asked if he fired at Suspect Benitez from his standing position outside of the Lincoln's driver's side window or if he fired at him as he accelerated away.

Deputy Esquivel said he fired as he stood outside of the driver's side window but moved away from the threat toward the rear of the Lincoln. He said he does not remember firing at Suspect Benitez as he accelerated away.

Deputy Esquivel said that during his initial contact and shooting, he did not know exactly where Deputy Jimenez was.

The Lincoln traveled approximately one hundred and fifty feet north and collided with a Honda that had been parked on the east curb in front of [redacted] Oleander Avenue. The Honda was moved from its original position and came to rest against the east curb line, facing east.

The collision was described as a very violent event, which made the Lincoln lift from the ground. The Lincoln's momentum carried it north, where it collided with and came to rest against a Volvo. The Volvo had been parked on the east curb north of the Honda in front of [redacted] Oleander Avenue.

Deputy Esquivel broadcast on his hand held radio that he was involved in a "998." He said he also heard Deputy Jimenez broadcast the assistance request and believes they may have broadcast simultaneously.

Deputy Esquivel quickly walked north toward the Honda as he broadcast via the radio and stood near the right rear trunk area of the Honda. Simultaneously, Deputy Jimenez drove the radio car north, parallel to Deputy Esquivel and stopped the radio car near the Honda.

He said he believed the collision was so violent that there was no way anyone inside the Lincoln could have survived the collision.

As he came to the rear area of the Honda, at a distance of approximately 35 feet from the Lincoln, Deputy Esquivel saw Suspect Benitez exit the Lincoln from the driver's door. Suspect Benitez turned and faced Deputy Esquivel in a crouch position, while holding his waistband.

Deputy Esquivel said that Suspect Benitez had just pointed a handgun at him and now turned toward him in a crouched position with his hands near his waist area. Based on this, he felt fear for his life and thought Suspect Benitez may fire a handgun at him.

Deputy Esquivel fired what he believed at the time were two to three more rounds at Suspect Benitez.

Deputy Esquivel said that this time he was able to raise his handgun up to his eyes to aim before firing at Suspect Benitez.

Simultaneously, Deputy Esquivel yelled commands to Suspect Benitez to show his hands. Suspect Benitez ignored Deputy Esquivel's commands and ran north along the driver's side of the Lincoln and northeast toward the east sidewalk of Oleander Avenue and out of Deputy Esquivel's view.

Deputy Jimenez drove the radio car north bound on Oleander Avenue and stopped the radio car on Oleander Avenue just south of Bennett Street.

Deputy Esquivel remained at the rear of the Honda and yelled at Suspect Ramirez inside the Lincoln to show his hands. He said Suspect Ramirez remained inside of the Lincoln and cooperated with his commands.

Deputy Esquivel was asked if he became concerned with officer safety as it relates to crossfire when Deputy Jimenez moved the radio car north of his position and he said he was not concerned with crossfire. He was posed with the possibility of the danger of crossfire as he held Suspect Ramirez at gunpoint and Suspect Ramirez was north of his position. He said he was covering Suspect Ramirez who was northeast of him in direction and was not directly north. He said that crossfire is always a concern however it was never an issue in this case.

Deputy Esquivel said that he was focused on Suspect Ramirez and could not see Suspect Benitez, but knew his whereabouts as Deputy Jimenez broadcast Suspect Benitez' position via radio.

Deputy Esquivel was asked if he was able to see Deputy Jimenez' threat at the time Deputy Jimenez fired at Suspect Benitez and he said he could not see that threat.

While Deputy Jimenez took a position on Oleander Avenue just south of Bennett Street, he heard Deputy Jimenez fire his duty firearm at Suspect Benitez. He said he was not sure of Deputy Jimenez' position at the time Deputy Jimenez fired his gun. After Deputy Jimenez fired his gun, he could see Deputy Jimenez taking cover near the front of the radio car.

Assisting units arrived at which time, Deputy Esquivel stepped out west of the Honda and near another radio car that was positioned north on Oleander Avenue between the Honda and the west curb.

From that position he could see Suspect Benitez in a prone position on the east sidewalk, east of a Toyota pickup that was parked north bound on the east curb.

Assisting deputies took Suspect Benitez into custody and then took Suspect Ramirez into custody.

Deputy Esquivel was asked if he would do anything different now if he were to be faced with a similar incident and he said he truly felt he did his very best during the incident.

On December 2, 2013, Deputy Salvador Esquivel participated in a follow-up interview. The interview was conducted at the internal Affairs Bureau by Sergeant Jose J. Garcia of the Internal Affairs Bureau and was audio recorded. Deputy Esquivel was represented by Okmar Ranade of Green & Shinee. The following is a summary of the interview:

Deputy Esquivel was provided with fourteen photographs depicting the damage to the suspects' Lincoln by gunfire. Photographs one and two depicted a gunshot hole to the driver's window as well as a bigger gunshot hole to the right rear passenger's window.

Deputy Esquivel was asked if he recalled how many time he fired at Suspect Benitez as he stood out outside of the driver's side windows. He said he believed he fired two to four rounds at Suspect Benitez but moved away from the threat and toward the rear of the Lincoln.

He was asked if it was possible that he may have fired twice through the right rear passenger window and he said it was possible but was not sure.

Deputy Esquivel was shown photographs three, four, five, six, nine, ten, eleven, twelve and fourteen. These photographs depict the rear of the Lincoln and the rear roof area. There is a bullet dent on the roof above the right rear passenger area with a possible trajectory of rear to front.

There is a bullet hole on the rear window frame above the right rear passenger area with a trajectory rod in it, showing it may have been fired from the rear of the Lincoln.

There is a bullet hole on the trunk's Lincoln emblem with a trajectory rod in it showing it may have been fired from the rear of the Lincoln.

Deputy Esquivel was reminded that he said he did not fire at Suspect Benitez as he sped away and he said he is not sure how he fired and hit the rear of the Lincoln.

He was asked if he recalled seeing where his round struck when he fired and he said he did not know. He was asked if it was possible that he may have hit the rear of the Lincoln when he took a position near the rear of the Honda as Suspect Benitez ran out and he said it is possible but was not sure.

Deputy Esquivel was asked again if he fired at Suspect Benitez as he sped away and he said he did not remember doing so.

> **IAB Note:** For further details regarding the bullet holes on the Lincoln, refer to **Exhibit L, 14 photographs depicting bullet holes on Lincoln.**

Deputy Esquivel was asked to estimate a time frame between each volley of gunfire and to estimate a time frame of the entire incident. He said on Oleander just north of Greenleaf Boulevard, during the initial approach, contact and shooting took less than ten seconds.

He said that following the initial shooting, when Suspect Benitez sped away to when he arrived at the rear of the Honda took less than ten seconds.

He said that after shooting at Suspect Benitez from the rear of the Honda to when Deputy Jimenez fired his gun took approximately ten to fifteen seconds.

Deputy Esquivel estimated that it took less than a minute between his initial approach on foot to when Deputy Jimenez fired his hand gun. He added that it took less than a minute from his initial approach to when assisting units arrived.

Deputy Sergio Jimenez:

Sergio Jimenez, Deputy Sheriff #[redacted] Compton Sheriff's Station was interviewed on October 7, 2013, by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau.

Deputy Jimenez was represented by Omkar Ranade from the offices of Green & Shinee. The interview took place at the Internal Affairs Bureau and was audio recorded. The following is a summary of the interview:

Deputy Jimenez said that on the day of the incident, his shift started at [redacted] hours and that he was partnered with Deputy Esquivel. Deputy Jimenez drove and Deputy Esquivel was the bookman.

At approximately 2103 hours while on patrol, they were traveling westbound on Greenleaf Boulevard approaching Willowbrook Avenue.

He noticed a car (Lincoln Town Car) traveling east bound on Greenleaf Boulevard approaching Oleander Avenue. The Lincoln abruptly turned onto northbound Oleander Avenue directly from the eastbound lane and without using the turning lane. The Lincoln's headlights were turned off as it turned onto northbound Oleander Avenue and out of their view.

Deputies Esquivel and Jimenez communicated to one another that they were going to stop the driver of the Lincoln regarding the vehicle code violations.

Deputy Jimenez accelerated in order to catch up with the Lincoln and conduct a traffic stop. He turned onto Oleander Avenue at a high rate of speed and saw the Lincoln parked along the east curb facing north.

He stopped the radio car almost in the middle of the street parallel to the Lincoln and was not able to stop behind the Lincoln. He said the Lincoln was just several feet from Greenleaf Boulevard and because of his speed as he made the turn he "overshot' the Lincoln.

He described the radio car's position as his right front tire parallel with the Lincoln's left rear tire. There was a space between the two cars approximately five feet wide.

As he stopped the radio car and put it in the park position, Deputy Esquivel exited the radio car and approached the Lincoln's driver's side.

It was at this time that Deputy Jimenez noticed the driver of the Lincoln (Suspect Benitez) had tattoos on his face. He also noticed that suspect Benitez was making "furtive movements" while seated in the Lincoln.

He could not see if there were other occupants in the Lincoln due to the tinted windows. Simultaneously, he heard Deputy Esquivel yelling commands at Suspect Benitez but did not remember what they were.

Deputy Jimenez began to exit the radio car and placed his left foot outside of the radio car, at which time, he saw Deputy Esquivel fire into the Lincoln's driver's side window and yelled, "417, 417."

He added that he believed they were taking rounds but did not know if both deputies were taking rounds or if it was only Deputy Esquivel so he tried to take cover on the driver's side of the radio car near the open driver's side door.

The Lincoln suddenly accelerated northbound at a high rate of speed and collided with a Honda approximately one hundred and fifty feet away. The Honda had been parked facing north on the east curb just north of Glencoe Street in front of [redacted] Oleander Avenue. Deputy Jimenez described the collision as very violent.

Deputy Esquivel immediately ran northbound as Deputy Jimenez drove the radio car northbound, paralleling him. The two communicated as they moved north. Deputy Jimenez asked Deputy Esquivel if he was alright and he began to broadcast an assistance request via radio. Deputy Esquivel stopped and took cover on the south side of the Honda that the Lincoln collided with.

Deputy Jimenez said he was under the belief that the occupants of the Lincoln could not have survived the violent collision and that they may be dead. He wanted to preserve the crime scene from any persons coming from the nearby school.

He said that there is a school on the northwest corner of Oleander Avenue and Bennett Street, where many families frequent and have activities during the evenings, such as soccer games and horseback riding. He told Deputy Esquivel that he was going to take a containment spot north of their location. He drove the radio car north and took a containment position on Oleander Avenue and Bennett Street.

Deputy Jimenez was asked if he had any tactical concerns as he passed the Lincoln knowing there were armed suspects inside of it and he said he was not concerned because he believed the occupants of the Lincoln were dead or at least very seriously injured.

As Deputy Jimenez approached the intersection of Oleander Avenue and Bennett Street, he saw Suspect Benitez running north on the east sidewalk of Oleander Avenue approaching Bennett Street. Suspect Benitez ran as he held his waistband area and Deputy Jimenez stopped the radio car on Oleander Avenue just south of Bennett Street. He exited the radio car and took a concealment position at the left rear quarter panel of the radio car.

Deputy Jimenez was asked if he heard Deputy Esquivel fire his gun as Deputy Jimenez traveled north on Oleander Avenue and he said he did not hear any gunfire coming from Deputy Esquivel's position near the Honda.

Simultaneously he yelled at Suspect Benitez to stop and show his hands several times, but Suspect Benitez ignored his orders and stopped running. As he stopped, Suspect Benitez looked back and forth as if he were trapped and turned to run south bound toward Deputy Esquivel. Deputy Jimenez said he became concerned for Deputy Esquivel's life as well as his own. As Suspect Benitez ran south, he came near a Toyota pickup that was parked on the Oleander side of [redacted] Bennett Street against the east curb.

Suspect Benitez turned or "bladed" his body clockwise toward Deputy Jimenez. Fearing for his safety, he fired his duty firearm what he believed at the time were four to five times at Suspect Benitez. Deputy Jimenez fired from the rear area of the radio car approximately forty feet away from Suspect Benitez.

At this time, Suspect Benitez fell to the ground on his left shoulder but remained with his hands at his waist band area. Suspect Benitez was prone on the ground facing Deputy Jimenez with his hands in his waist area.

Deputy Jimenez continued to yell orders for Suspect Benitez to show his hands but Suspect Benitez did not comply, instead he yelled "fuck you" at Deputy Jimenez.

Due to his uncooperative behavior, Deputy Jimenez, returned to his radio car for cover and continued to yell out orders toward Suspect Benitez.

Suspect Benitez eventually complied and showed his hands, at which time Deputy Jimenez advised Deputy Esquivel via radio that he had Suspect Benitez prone on the ground. He also advised units of their position and coordinated a safe approach with the help of Sheriff's Aero Unit.

When assisting units arrived, Suspect Benitez and Suspect Ramirez were taken into custody.

Deputy Jimenez was asked if crossfire between him and Deputy Esquivel was ever a concern since he was north of the Lincoln and Deputy Esquivel was covering a suspect inside the Lincoln. He said he did not believe there was a concern of crossfire and did not believe he placed himself in the line of fire.

Deputy Jimenez was asked if he would do anything different now if he were to be faced with a similar incident and he said he believed that their actions were dictated by the suspect's actions and thought he performed well by surviving the incident and coming home that night.

<u>WITNESS STATEMENTS:</u>

<u>None:</u>

<u>SUSPECT INTERVIEWS:</u>

<u>Suspect Michael Benitez:</u>

Michael Benitez, Suspect Booking #315764, was contacted at Men's Central Jail, 6000 Floor interview room by Sergeant Jose J. Garcia of the Internal Affairs Bureau. The purpose of the contact was in order to conduct an interview of Suspect Benitez regarding the deputy involved shooting on May 13, 2012. The contact with Suspect Benitez was audio recorded. The following is a summary of the contact:

Suspect Benitez said he did not want to make a statement regarding the shooting and that the Internal Affairs Bureau should have contacted him before he pled guilty regarding the incident.

Sergeant Garcia and Suspect Benitez spoke briefly about his criminal conviction and his waiting to be transferred to state prison. Suspect Benitez explained the significance of some of his facial tattoos and said he is known as "Shags" from the "Tiny Gangsters" gang based in Compton. Suspect Benitez was asked to sign a release of his medical records in order to obtain details of his injuries for this investigation and he refused to provide any release of any medical information.

INTERNAL AFFAIRS BUREAU
SHOOTING REVIEW SUMMARY

Suspect Daniel Ramirez:

Daniel Ramirez, Suspect Booking #3157648, was contacted Twin Towers Correctional Facility in the attorney room by Sergeant Jose J. Garcia of the Internal Affairs Bureau. The purpose of the contact was in order to conduct an interview of Suspect Ramirez regarding the deputy involved shooting on May 13, 2012. The contact with Suspect Ramirez was audio recorded. The following is a summary of the contact:

Suspect Ramirez said he did not want to speak to the Internal Affairs Bureau unless the audio recorder was turned off. He said he would make a statement off the record.

The audio recorder was turned off and he provided a statement regarding the shooting. The following is a summary of his statement regarding the shooting from May 13, 2012:

Suspect Ramirez said he is known as "Danny" from "CV70 Chicos (Compton Varrio 70)." He said he is no longer an active gang member and is no longer involved in any criminal gang activity.

Suspect Ramirez said that hours prior to the shooting, he was involved in a fight with another person and sustained cuts from a broken glass bottle. He said Suspect Benitez was not present during that fight.

A "friend" drove Suspect Ramirez directly to Suspect Benitez' house after the fight. He refused to identify the friend that drove him to Suspect Benitez' house. Approximately twenty minutes later, Suspect Benitez drove Suspect Ramirez in a Lincoln Town Car.

Suspect Ramirez refused to say where they were going, but said Suspect Benitez borrowed the Lincoln and did not own it. He said he and Suspect Benitez traveled to Oleander Avenue and Greenleaf Boulevard, where they parked on the street. They sat in the car as Suspect Benitez spoke on the cellular telephone and he "broke weed (To break up clumped up marijuana for smoking)."

Approximately one minute after being parked and without warning, they were shot at by unknown persons. Suspect Benitez drove away and collided with another vehicle, at which time Suspect Ramirez lost consciousness.

When Suspect Ramirez regained consciousness he saw Suspect Benitez run out of the car but did not know why.

He heard additional gunshots but did not know who was firing. He then heard a helicopter hovering above and heard deputies ordering him to raise his hands.

He could see Suspect Benitez prone on the sidewalk and was taken into custody by deputy personnel. He was ordered out of the Lincoln and taken into custody.

Suspect Ramirez was asked if he recalled being fired upon as they sped away following the initial gunfire and he said he did not remember if anyone fired upon them during that time.

Suspect Ramirez was asked about the two firearms recovered from the Lincoln and he said they both belonged to him. He said the revolver was given to him and that he bought the semiautomatic handgun for fifty dollars. He refused to say who and / or where he obtained the firearms from.

Suspect Ramirez said Suspect Benitez did not know that he was carrying two guns on his person. He said that the semiautomatic firearm was under his front passenger seat and the revolver was in his left front pants' pocket. He added that the revolver must have fallen out of the pocket during the collision.

Suspect Ramirez was asked why he had firearms in his possession and he said he was going to sell them on the street for two hundred dollars.



County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 20, 2014

Certified Mail No. 7013 1090 0001 5827 1294

Deputy Sergio Jimenez
[redacted]

Dear Deputy Jimenez,

This letter is to inform you that the Sheriff's Department has rendered its decision on the grievance you submitted on January 2, 2014, regarding a proposed fifteen (15) day suspension under IAB case number 2347414. Employee Relations received the recommendation from the Review Board hearing on May 13, 2014. Consistent with the provisions of your Memorandum of Understanding, the Review Board's recommendation was directed to the Assistant Sheriff's Office for final review and approval.

After due consideration, the Sheriff's Department has determined that the charges alleged in the Letter of Intent are founded and the fifteen (15) day suspension is appropriate. As a result, your grievance is denied and the settlement you desired shall not be granted.

Sincerely,

JOHN L. SCOTT, SHERIFF

Gregory P. Nelson, Captain
Bureau of Labor Relations and Compliance

A Tradition of Service Since 1850

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: June 12, 2014

OFFICE CORRESPONDENCE

FILE NO IAB 2347414

FROM: CECIL M. JOHNSON, SOAI
INTERNAL AFFAIRS BUREAU

TO: JUDY A. GERHARDT, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: [redacted]

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **SERGIO JIMENEZ**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO.: **DEPUTY SHERIFF, 2708A**

UNIT/DIVISION: **COMPTON STATION/CENTRAL PATROL DIVISION**

DATE OF LETTER: **JUNE 11, 2014**

DISCIPLINE: **FIFTEEN (15) DAYS**

EFFECTIVE DATE(S): **JUNE 16, 2014 THROUGH JUNE 30, 2014**

RECEIVED BY:

Tani Bess ______ 06/12/2014

PERSONNEL (SIGNATURE) DATE

TANI BESS

PERSONNEL (PRINT NAME)

***** PLEASE RETURN ALL SIGNED RECEIPTS TO JACQUELINE POWELL OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE****

SUPERVISOR/TIMEKEEPING NOTIFICATION SHEET

Please return this form with the ORIGINAL signed employee signature page AND the Admonition and Receipt (when applicable) with all the necessary signatures to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
323-890-5311

SUSPENSION WITHOUT PAY

CASE NUMBER:	**IAB 2347414**
SUBJECT NAME:	**DEPUTY SHERIFF, SERGIO JIMENEZ, #[redacted]**
NUMBER OF SUSPENSION DAYS:	**FIFTEEN (15) DAYS**
SUSPENSION DATE(S):	**JUNE 16, 2014 THROUGH JUNE 30, 2014**
UNIT OF ASSIGNMENT:	**COMPTON STATION**
SIGNATURE OF CAPTAIN/ OPERATIONS LIEUTENANT/ SERGEANT/ OR SUPERVISOR:	[signature], Lt. [redacted]
DATE NOTIFIED:	6-11-14

PLEASE RETURN THIS FORM TO INTERNAL AFFAIRS BUREAU WITHIN TWO (2) BUSINESS DAYS



County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 11, 2014

Deputy Sergio Jimenez, #[redacted]
[redacted]

Dear Deputy Jimenez:

On December 26, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2347414. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days effective June 16, 2014 through June 30, 2014.

An investigation under File Number IAB 2347414, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about May 13, 2012, while on duty you failed to conform to the work standards established for your position as a patrol deputy at Compton Station, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting, as evidenced by, but not limited to the following:

a. failing to wait for assisting units to tactically and safely approach the armed suspects' vehicle before compromising a tactical position of advantage; and/or,

b. driving your patrol car past the suspects' vehicle before ensuring that the armed suspects were not assaultive; and/or,

c. driving your patrol car past the armed suspects' vehicle and placing yourself in the field of fire of your partner who engaged in a shooting, thus creating the potential of a crossfire situation.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Leonard McCray, Captain
Compton Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LM:AEA:jp

c: Advocacy Unit
Chief Kevin A. Goran, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Compton Station/unit Personnel File
Doreen Garcia, Pay and Leave Management

(Attachment)

CIVIL SERVICE RULES

"**4.02 Petition for Hearing**

Such petition shall be in writing, signed by the petitioner, or the petitioner's representative, and shall give the signer's mailing address and specify the ruling or action appealed and in plain language and in detail sufficient facts and reasons upon which the petitioner's case is based."

"**4.05 Time Within Which Petition Must be Filed**

A. Unless otherwise provided in these Rules, a petition for hearing before the commission must be filed within the following time limits:

    1. In a discharge, reduction or suspension over five days within fifteen (15) business days after service of letter of discharge, reduction or suspension of over five days;

    2. In all other matters except as provided in Rule 6.07, not later than ten (10) business days after the ruling or order complained of.

B. Commission may extend the time limits for filing a petition only after consideration of a showing of good cause for the delay which has been submitted in writing. If the commission extends the time limits, the commission shall specify the facts which the commission deems to constitute good cause. The filing of a departmental grievance or an appeal in another jurisdiction, such as the Employee Relations Commission, shall not constitute good cause for extending the time limits for filing a petition with the commission."

(Attachment)

CIVIL SERVICE RULES

"18.01 Suspensions

A. Subject to such appeal right as provided in this Rule, an employee may be suspended by the appointing power for up to and including thirty (30) days, pending investigation, filing of charges and hearing on discharge or reduction, or as a disciplinary measure. Where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed thirty (30) calendar days and continue until, but not after, the expiration of thirty (30) calendar days after the judgement of conviction or the acquittal of the offense charged in the complaint or indictment has become final. The reason(s) for such suspension shall be forthwith, furnished in writing to the employee and a copy sent to the director of personnel.

B. An employee who is suspended shall be entitled to answer, explain or deny the charges in writing within ten (10) business days. A copy of the answer shall be sent to the director of personnel and filed as part of the employee's record.

C. An employee who is suspended for up to five (5) days may appeal such suspension to the Director of Personnel. Any such appeal must be in writing, shall contain specific detailed information, and must be received by the Director of Personnel within fifteen (15) business days of the employee's notification of the suspension. Please send your appeal to the Director of Personnel, Appeals Division, Kenneth Hahn Hall of Administration, 222 North Grand Avenue, Room 555, Los Angeles, California 90012. The Director of Personnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The Director of Personnel shall determine whether or not to consider the appeal, or whether or not the suspension is justified. (Ord. 88-0020 1 (part), 1988.)

3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- a lack of knowledge of the application of laws required to be enforced;
- an unwillingness or inability to perform assigned tasks;
- failure to conform to work standards established for the member's rank or position;
- failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention;
- absence without leave; and/or
- unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- repeated poor evaluations; and/or
- a written record of repeated infractions of the Department's rules, regulations, manuals or directives.

Revised 12/12/13
04/01/96 MPP

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2347414*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

6-11-14

DATE

SERGIO JIMENEZ, # [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***SERGIO JIMENEZ*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

6-11-14

DATE

\# [redacted]

WITNESS SIGNATURE

FAYE ARRAGA, LT

WITNESS PRINT

Please return this page along with
Supervisor/Timekeeper Notification within
two (2) business days to:

INTERNAL AFFAIRS BUREAU
JACQUELINE POWELL
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5311



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 26, 2013

Deputy Sergio Jimenez, #[redacted]

Dear Deputy Jimenez:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy, Item No. 2708, with this Department for a period of fifteen (15) days.

An investigation under IAB File Number IV2347414, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about May 13, 2012, while on duty you failed to conform to the work standards established for your position as a patrol deputy at Compton Station, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting, as evidenced by, but not limited to the following:

   a. failing to wait for assisting units to tactically and safely approach the armed suspects' vehicle before compromising a tactical position of advantage; and/or,

b. driving your patrol car past the suspects' vehicle before ensuring that the armed suspects were not assaultive; and/or,

c. driving your patrol car past the armed suspects' vehicle and placing yourself in the field of fire of your partner who engaged in a shooting, thus creating the potential of a crossfire situation.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Brenda Stewart, of Internal Affairs Bureau, at (323) 890-5313, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Leonard McCray, Captain
Compton Station

LM:AEA:pmp

c: Advocacy Unit
Employee Relations Unit
Kevin A. Goran, Chief, Central Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2347414)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2347414.***

12-26-13

Date

SERGIO JIMENEZ, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***SERGIO JIMENEZ.***

12-26-13

Date

WITNESS SIGNATURE

SGT MARK STONE

WITNESS PRINT

Please return this page within two (2) business days to:

BRENDA STEWART
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5313

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2312742/IV2347414
Incident:	Hit Shooting
Incident Date:	May 13, 2012
Unit:	Compton Station
Suspects:	Michael Benitez, MH/01-7-79 Daniel Ramirez, MH/07-21-90
Involved Employees:	Deputy Salvador Esquivel, #[redacted] Deputy Sergio Jimenez, #[redacted]
EFRC Date:	December 19, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Compton deputies assigned to a two man patrol car were traveling westbound Greenleaf Boulevard, approaching Oleander Avenue, when they saw a black Lincoln traveling eastbound Greenleaf Boulevard toward them. As the Lincoln approached Oleander Avenue, its headlights were turned off. The Lincoln then turned onto northbound Oleander Avenue.

The deputies lost sight of the Lincoln as it turned onto Oleander Avenue for a very brief moment. They followed the Lincoln onto northbound Oleander Avenue in an attempt to conduct a traffic stop. When the deputies turned onto Oleander Avenue, they saw the Lincoln was parked on the east curb facing northbound, just a few feet north of Greenleaf Boulevard.

Upon seeing how close the Lincoln was to Greenleaf Boulevard, the deputies stopped the radio car on Oleander Avenue facing north almost parallel to the Lincoln. The passenger deputy quickly exited the radio car and approached the driver's side of the Lincoln. He noticed that the driver (Suspect Benitez) and the passenger (Suspect Ramirez) wore gang style clothing and one of them had tattoos on his head or face. The Lincoln's engine was running and the deputy gave Suspect Benitez several orders to turn the car off. The two suspects ignored the orders and communicated with one another in the Lincoln.

The driver deputy was still in the radio car setting it in the park position when he noticed that Suspect Benitez had gang style tattoos on his face or head area. The deputy opened the driver's side door and began to exit the radio car.

Simultaneously, the passenger deputy approached the driver's window and saw Suspect Benitez produce a handgun and point it at him. The deputy yelled out "gun" in order to alert his partner as he fired four rounds from his Berretta at Suspect Benitez from a distance of approximately two to three feet. As he fired, the deputy moved away from the threat by taking several steps away from the driver's window and toward the back of the Lincoln.

Suspect Benitez accelerated to a high rate of speed and drove the Lincoln northbound Oleander Avenue past Glencoe Street. Approximately one hundred and fifty feet away from the original contact, the Lincoln collided with a Honda which had been parked on the east curb, facing north in front of [redacted] Oleander Avenue. The Lincoln continued to move north and collided with a Volvo that had been parked in front of [redacted] Oleander Avenue, north of the Honda. The Lincoln came to rest against the Volvo.

The deputies broadcasted an assistance request advising their involvement in a shooting via their radios. Simultaneously, the driver deputy drove the radio car northbound and stopped south of the Lincoln as the other deputy ran north on foot, parallel with the radio car. The passenger deputy approached the Honda the Lincoln had collided with in order to position himself behind the Honda. He intended on detaining the occupants of the Lincoln at gunpoint.

Just as the deputy arrived at the Honda, Suspect Benitez exited the Lincoln through the driver's door. As Suspect Benitez exited the Lincoln, he held his waistband and turned his body to face the deputy.

From a distance of approximately thirty five feet, believing that Suspect Benitez was armed with a firearm and fearing Suspect Benitez was going to fire at him, the passenger deputy fired two rounds toward Suspect Benitez. Suspect Benitez ran north along the driver's side of the Lincoln then eastbound toward the east sidewalk of Oleander Avenue and northbound on the sidewalk toward Bennett Street. The deputy lost sight of Suspect Benitez as he ran toward the sidewalk.

The passenger deputy yelled at the driver deputy that Suspect Benitez was running northbound toward Bennett Street. Suspect Ramirez remained in the Lincoln and the passenger deputy held him at gunpoint from his position near the rear of the Honda.

The driver deputy immediately drove the radio car northbound Oleander Avenue. He positioned the radio car on Oleander Avenue and Bennett Street in order to contain the crime scene. As the deputy was coming to a stop in the radio car, he saw Suspect Benitez running northbound on the east sidewalk toward Bennett Street. He exited the radio car and ordered Suspect Benitez to stop. Suspect Benitez looked in his direction, stopped running, turned and ran southbound on the sidewalk, back toward the passenger deputy.

Suspect Benitez was running on the Oleander Avenue side of [redacted] Bennett Street and was approaching a parked Toyota pickup on the east curb of Oleander Avenue. Suspect Benitez bladed his body toward the driver deputy, while holding his waistband area. Fearing for his safety, as well as his partner's safety, the driver deputy fired four rounds at Suspect Benitez. Suspect Benitez fell to the ground on the east sidewalk on the Oleander Avenue side of [redacted] Bennett Street.

Suspect Benitez was in a prone position but remained uncooperative and refused to show the deputy his hands. After repeated orders from the driver deputy, Suspect Benitez spread his arms out to his sides.

The driver deputy coordinated the safe approach of assisting units into the crime scene in order to take the suspects into custody. Suspect Benitez was treated by Paramedics from Compton Fire Department. He was subsequently transported to Saint Francis Medical Center for treatment due to a gunshot graze to the back of his head. Suspect Ramirez remained in the Lincoln and was taken into custody without further incident.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were out of Department policy.

The EFRC deemed as **Unfounded** the allegation that Deputy Salvador Esquivel was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents).

RECOMMENDATIONS:

The EFRC recommended Deputy Esquivel attend the eight-hour Tactics and Survival (TAS-I) Training class. Additionally, the EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: LEONARD MCCRAY, CAPTAIN
COMPTON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2312742/IV2347414
Incident:	Hit Shooting
Incident Date:	May 13, 2012
Unit:	Compton Station
Suspects:	Michael Benitez, MH/01-7-79 Daniel Ramirez, MH/07-21-90
Involved Employees:	Deputy Salvador Esquivel, #[redacted] Deputy Sergio Jimenez, #[redacted]
EFRC Date:	December 19, 2013

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The EFRC deemed as **Unfounded** the allegation that Deputy Salvador Esquivel was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents).

RECOMMENDATIONS:

The EFRC recommended Deputy Esquivel attend the eight-hour Tactics and Survival (TAS-I) Training class. Additionally, the EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2312742/IV2347414
Incident:	Hit Shooting
Incident Date:	May 13, 2012
Unit:	Compton Station
Suspects:	Michael Benitez, MH/01-7-79 Daniel Ramirez, MH/07-21-90
Involved Employees:	Deputy Salvador Esquivel, #[redacted] Deputy Sergio Jimenez, #[redacted]
EFRC Date:	December 19, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Compton deputies assigned to a two man patrol car were traveling westbound Greenleaf Boulevard, approaching Oleander Avenue, when they saw a black Lincoln traveling eastbound Greenleaf Boulevard toward them. As the Lincoln approached Oleander Avenue, its headlights were turned off. The Lincoln then turned onto northbound Oleander Avenue.

The deputies lost sight of the Lincoln as it turned onto Oleander Avenue for a very brief moment. They followed the Lincoln onto northbound Oleander Avenue in an attempt to conduct a traffic stop. When the deputies turned onto Oleander Avenue, they saw the Lincoln was parked on the east curb facing northbound, just a few feet north of Greenleaf Boulevard.

Upon seeing how close the Lincoln was to Greenleaf Boulevard, the deputies stopped the radio car on Oleander Avenue facing north almost parallel to the Lincoln. The passenger deputy quickly exited the radio car and approached the driver's side of the Lincoln. He noticed that the driver (Suspect Benitez) and the passenger (Suspect Ramirez) wore gang style clothing and one of them had tattoos on his head or face. The Lincoln's engine was running and the deputy gave Suspect Benitez several orders to turn the car off. The two suspects ignored the orders and communicated with one another in the Lincoln.

The driver deputy was still in the radio car setting it in the park position when he noticed that Suspect Benitez had gang style tattoos on his face or head area. The deputy opened the driver's side door and began to exit the radio car.

Simultaneously, the passenger deputy approached the driver's window and saw Suspect Benitez produce a handgun and point it at him. The deputy yelled out "gun" in order to alert his partner as he fired four rounds from his Berretta at Suspect Benitez from a distance of approximately two to three feet. As he fired, the deputy moved away from the threat by taking several steps away from the driver's window and toward the back of the Lincoln.

Suspect Benitez accelerated to a high rate of speed and drove the Lincoln northbound Oleander Avenue past Glencoe Street. Approximately one hundred and fifty feet away from the original contact, the Lincoln collided with a Honda which had been parked on the east curb, facing north in front of [redacted] Oleander Avenue. The Lincoln continued to move north and collided with a Volvo that had been parked in front of [redacted] Oleander Avenue, north of the Honda. The Lincoln came to rest against the Volvo.

The deputies broadcasted an assistance request advising their involvement in a shooting via their radios. Simultaneously, the driver deputy drove the radio car northbound and stopped south of the Lincoln as the other deputy ran north on foot, parallel with the radio car. The passenger deputy approached the Honda the Lincoln had collided with in order to position himself behind the Honda. He intended on detaining the occupants of the Lincoln at gunpoint.

Just as the deputy arrived at the Honda, Suspect Benitez exited the Lincoln through the driver's door. As Suspect Benitez exited the Lincoln, he held his waistband and turned his body to face the deputy.

From a distance of approximately thirty five feet, believing that Suspect Benitez was armed with a firearm and fearing Suspect Benitez was going to fire at him, the passenger deputy fired two rounds toward Suspect Benitez. Suspect Benitez ran north along the driver's side of the Lincoln then eastbound toward the east sidewalk of Oleander Avenue and northbound on the sidewalk toward Bennett Street. The deputy lost sight of Suspect Benitez as he ran toward the sidewalk.

The passenger deputy yelled at the driver deputy that Suspect Benitez was running northbound toward Bennett Street. Suspect Ramirez remained in the Lincoln and the passenger deputy held him at gunpoint from his position near the rear of the Honda.

The driver deputy immediately drove the radio car northbound Oleander Avenue. He positioned the radio car on Oleander Avenue and Bennett Street in order to contain the crime scene. As the deputy was coming to a stop in the radio car, he saw Suspect Benitez running northbound on the east sidewalk toward Bennett Street. He exited the radio car and ordered Suspect Benitez to stop. Suspect Benitez looked in his direction, stopped running, turned and ran southbound on the sidewalk, back toward the passenger deputy.

Suspect Benitez was running on the Oleander Avenue side of [redacted] Bennett Street and was approaching a parked Toyota pickup on the east curb of Oleander Avenue. Suspect Benitez bladed his body toward the driver deputy, while holding his waistband area. Fearing for his safety, as well as his partner's safety, the driver deputy fired four rounds at Suspect Benitez. Suspect Benitez fell to the ground on the east sidewalk on the Oleander Avenue side of [redacted] Bennett Street.

Suspect Benitez was in a prone position but remained uncooperative and refused to show the deputy his hands. After repeated orders from the driver deputy, Suspect Benitez spread his arms out to his sides.

The driver deputy coordinated the safe approach of assisting units into the crime scene in order to take the suspects into custody. Suspect Benitez was treated by Paramedics from Compton Fire Department. He was subsequently transported to Saint Francis Medical Center for treatment due to a gunshot graze to the back of his head. Suspect Ramirez remained in the Lincoln and was taken into custody without further incident.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were out of Department policy.

The EFRC deemed as **Founded** the allegation that Deputy Jimenez was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about May 13, 2012, while on duty Deputy Jimenez failed to conform to the work standards established for his position as a patrol deputy at Compton Station, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting, as evidenced by, but not limited to the following:

a. failing to wait for assisting units to tactically and safely approach the armed suspects' vehicle before compromising a tactical position of advantage; and/or,

b. driving his patrol car past the suspects' vehicle before ensuring that the armed suspects were not assaultive; and/or,

c. driving his patrol car past the armed suspects' vehicle and placing himself in the field of fire of his partner who engaged in a shooting, thus creating the potential of a crossfire situation.

RECOMMENDATIONS:

The EFRC recommended Deputy Sergio Jimenez #[redacted] receive a **fifteen (15) day suspension** with the option of Education Based Discipline (EBD) for ten of the fifteen days.

In addition, the EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: December 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: LEONARD MCCRAY, CAPTAIN
COMPTON STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2312742/IV2347414
Incident:	Hit Shooting
Incident Date:	May 13, 2012
Unit:	Compton Station
Suspects:	Michael Benitez, MH/01-7-79 Daniel Ramirez, MH/07-21-90
Involved Employees:	Deputy Salvador Esquivel, #[redacted] Deputy Sergio Jimenez, #[redacted]
EFRC Date:	December 19, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Compton deputies assigned to a two man patrol car were traveling westbound Greenleaf Boulevard, approaching Oleander Avenue, when they saw a black Lincoln traveling eastbound Greenleaf Boulevard toward them. As the Lincoln approached Oleander Avenue, its headlights were turned off. The Lincoln then turned onto northbound Oleander Avenue.

The deputies lost sight of the Lincoln as it turned onto Oleander Avenue for a very brief moment. They followed the Lincoln onto northbound Oleander Avenue in an attempt to conduct a traffic stop. When the deputies turned onto Oleander Avenue, they saw the Lincoln was parked on the east curb facing northbound, just a few feet north of Greenleaf Boulevard.

Upon seeing how close the Lincoln was to Greenleaf Boulevard, the deputies stopped the radio car on Oleander Avenue facing north almost parallel to the Lincoln. The passenger deputy quickly exited the radio car and approached the driver's side of the Lincoln. He noticed that the driver (Suspect Benitez) and the passenger (Suspect Ramirez) wore gang style clothing and one of them had tattoos on his head or face. The Lincoln's engine was running and the deputy gave Suspect Benitez several orders to turn the car off. The two suspects ignored the orders and communicated with one another in the Lincoln.

The driver deputy was still in the radio car setting it in the park position when he noticed that Suspect Benitez had gang style tattoos on his face or head area. The deputy opened the driver's side door and began to exit the radio car.

Simultaneously, the passenger deputy approached the driver's window and saw Suspect Benitez produce a handgun and point it at him. The deputy yelled out "gun" in order to alert his partner as he fired four rounds from his Berretta at Suspect Benitez from a distance of approximately two to three feet. As he fired, the deputy moved away from the threat by taking several steps away from the driver's window and toward the back of the Lincoln.

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Just as the deputy arrived at the Honda, Suspect Benitez exited the Lincoln through the driver's door. As Suspect Benitez exited the Lincoln, he held his waistband and turned his body to face the deputy.

From a distance of approximately thirty five feet, believing that Suspect Benitez was armed with a firearm and fearing Suspect Benitez was going to fire at him, the passenger deputy fired two rounds toward Suspect Benitez. Suspect Benitez ran north along the driver's side of the Lincoln then eastbound toward the east sidewalk of Oleander Avenue and northbound on the sidewalk toward Bennett Street. The deputy lost sight of Suspect Benitez as he ran toward the sidewalk.

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Suspect Benitez was in a prone position but remained uncooperative and refused to show the deputy his hands. After repeated orders from the driver deputy, Suspect Benitez spread his arms out to his sides.

The driver deputy coordinated the safe approach of assisting units into the crime scene in order to take the suspects into custody. Suspect Benitez was treated by Paramedics from Compton Fire Department. He was subsequently transported to Saint Francis Medical Center for treatment due to a gunshot graze to the back of his head. Suspect Ramirez remained in the Lincoln and was taken into custody without further incident.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were out of Department policy.

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a. failing to wait for assisting units to tactically and safely approach the armed suspects' vehicle before compromising a tactical position of advantage; and/or,

b. driving his patrol car past the suspects' vehicle before ensuring that the armed suspects were not assaultive; and/or,

c. driving his patrol car past the armed suspects' vehicle and placing himself in the field of fire of his partner who engaged in a shooting, thus creating the potential of a crossfire situation.

RECOMMENDATIONS:

The EFRC recommended Deputy Sergio Jimenez #[redacted], receive a **fifteen (15) day suspension** with the option of Education Based Discipline (EBD) for ten of the fifteen days.

In addition, the EFRC recommended the unit commander, Captain Leonard McCray, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident.

BDD:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2347414
Subject: Sergio Jimenez #[redacted]
Investigator: Jose Garcia, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about May 13, 2012, while on duty Subject Jimenez failed to conform to the work standards established for his position as a patrol deputy at Compton Station, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting, as evidenced by, but not limited to the following:

    a. failing to wait for assisting units to tactically and safely approach the armed suspects' vehicle before compromising a tactical position of advantage; and/or,

    b. driving his patrol car past the suspects' vehicle before ensuring that the armed suspects were not assaultive; and/or,

    c. driving his patrol car past the armed suspects' vehicle and placing himself in the field of fire of his partner who engaged in a shooting, thus creating the potential of a crossfire situation.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__Charge founded as delineated
_____Charge founded as modified
_____Charge unresolved
_____Charge unfounded

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised March 20, 2011) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____Discharge
_____Reduction in Rank
_X__ Suspension with loss of pay and benefits for __15__ days
____ Written Reprimand
_____No discipline

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent Truthfulness

Past Performance
Degree of Culpability
Disciplinary History
Severity of Infraction
Acceptance of Responsibility
Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.